GENERAL INDEX.

Page.

AMERICAN BAR ASSOCIATION, President
Dillon's address..... 225, 246

BAR ASSOCIATION, UNITED STATES,
State action concerning publication of session laws... 264
BEERS, ex-President, loses his case.. 497
BLANC, E. H., on Collateral Inheritance Tax..... 4
BOOK NOTICES:
American Probate Reports, vol. 7..... 340
American Railroad and Corporation Reports, vol. 5.. 520
American State Reports, vol. 26..... 419
Bar's International Law..... 440
Beach on Contributory Negligence..... 25
Beach on Modern Equity Jurisprudence..... 462
Benjamin on Sales..... 260
Browne's Blackstone's Commentaries..... 440
Browne's Criminal Law..... 440
Campbell's Puritan..... 41
Chaplain on Wills..... 360
Chapman's Medical Jurisprudence..... 360
Clarke's Handbook of U. S. Decisions..... 320
Corporations Acts..... 200
Cox's Trade-mark Cases..... 440
David Alden's Daughter..... 420
Foster's Federal Practice..... 60
Greenleaf on Evidence..... 340
Hotchkiss on Banks and Banking..... 400
Jones' Forms..... 420
Jones on Negligence of Municipal Corporations..... 62
Keasby on Electric Wires..... 160
Larcom's at the Beautiful Gate..... 420
Mack's Digest of American State Reports..... 450
Merrill on Mandamus..... 199
Mining Laws of Colombia..... 260
Parker and Worthington on Public Health and Safety..... 440
Rapalje's Semi-annual Corporation Digest..... 340
Sohm's Institutes of Roman Law..... 40
Stedman's Nature and Elements of Poetry..... 420
Stimson's American Statute Law..... 520
Thornton on Railroad Fences..... 400
Taylor's Medical Jurisprudence..... 420
Thayer's Cases on Evidence..... 320
U. S. Circuit Court of Appeals Reports..... 420
Van Schaack on Bank Checks..... 260
Weeks on Attorneys..... 400
Williams on Real Property..... 200

CASUISTRY..... 198
CIVIL DEATH. Imprisonment for life—distribution of estate..... 83
COLLATERAL INHERITANCE TAX..... 4
CONTEMPT of court and pardon..... 259
CORPORATIONS—grievance of stockholders.. 265
CORPORATE DUTY, breach of..... 144
CORRESPONDENCE:
Collateral Inheritance Taxation..... 140, 199
Colored Representation..... 180
Constructive Service of Summons..... 160
Corporate Taxation..... 520
Female Suffrage in New York..... 500
Haynes v. Sherman..... 499
Human Slavery in New York..... 220
Inheritance Taxation..... 180
Jenny..... 320
Labor Importation Decision..... 19
Louisiana Laws..... 539
Overbearing Judges..... 160
Quarantine at Fire Island..... 319
Select pleas in the Bishop of Ely's court..... 539
Sparrows..... 359
Tenancy by entirety..... 359
Time for service of demurrer..... 498
Treason trial..... 440
Uniform examination for the bar..... 538
Unjust technicality—demeanor of judges..... 100
Wife's house..... 400
CROSS-EXAMINATION..... 119
CURRENT TOPICS:
Aerolite, property in..... 342

CURRENT TOPICS—Continued. Page.
Acceptance of offer by mail..... 62
Albany Law School—address of J. Newton Fiero... 244
American Bar Association—announcement of meeting..... 101
American Bar Association—Fifteenth annual meeting..... 181
meeting of American teachers of law with..... 202
American Law Review on New York Court of Appeals..... 2
Anti-screen law—umbrella..... 202
Apportionment case in Indiana..... 461
Apportionment law in New York, Special Term decision..... 141
argument of General Term..... 162, 263
decision of the Court of Appeals..... 322, 341
Assignment system in Illinois..... 322, 538
Baldwin, Simeon E., on American Jurisprudence 441
Bar action in another State..... 101
Bar Association of Alabama, report of..... 401
of Kansas, proceedings of..... 321
of Kansas City, report of..... 442
of Monroe county—formation of..... 481
of New York, approaching meeting..... 442
of Ohio, report of..... 441
of Virginia, proceedings..... 241
Beach's Modern Equity Jurisprudence..... 462
"Blackstone Craze"..... 382
Bleckley, Chief Justice, on the Rights of Mind..... 221
Borden Murder Case..... 362
Campbell Douglas, "The Puritan in Holland, England and America"..... 41
Canadian Criminal Code..... 362
Central Law Journal—has a new head..... 61
Chief Judge of the Court of Appeals, nomination for 301
Codification in Japan..... 141
Columbian Exposition, time for opening..... 521
Columbus and the rotundity of the earth..... 361
Commission on Uniform Legislation—first meeting..... 181, 182
Comstock, George F., death of..... 301
Constitutional amendments proposed—Court of Appeals judges and election contests..... 281
defeated..... 442
Corliss, Chief Justice, renominated..... 202
Coudert on the New York Bar..... 522
Counterfeiting United States treasury notes..... 361
Court of Appeals, Second Division, final adjournment..... 284, 301
Crime, causes and prevalence of..... 101
Crown lawyers not to be allowed private practice.... 222
Dillon's argument in Pacific Railway case..... 421
Dissection of Bishop, the mind reader..... 62
Divorce from a French point of view..... 502
palliation of..... 362
international law of..... 521
Dos Passos' argument against anti-option bill..... 81
for corporations..... 2
Dwight, Prof., death of..... 22
Engagement ring, property in..... 482
Field, David Dudley, gift of law library to Washington and Lee University..... 521
Foreign marriage act of Great Britain..... 222
Gettysburgh battle in court..... 201
Gladstone injured by a cow..... 202
Gov. Flower and quarantine matters..... 261
Green Bag, notice of..... 22, 122, 182, 282, 382, 482, 502
Hale, Edward Everett, his scheme of life..... 161
Havemeyer's rent case..... 282
Hetherington, Lieut.—trial for murder of Robinson 362
Homestead Strike..... 81
Homestead Strikers—not traitors..... 322
Jams' Case..... 82, 102, 142
acquittal of Streator..... 421
Indian Jurists, Comments on..... 342
Indorsing a tidal wave..... 481
Infants—slavery of the courts to..... 62
Injunction—against a man's voice..... 182
International Criminal Law Treatise..... 61
Jersey—law of..... 262
"Jo"—explanation of..... 402
Johns Hopkins University Publications..... 43

CURRENT TOPICS — Continued. Page.
Jones — on negligence of municipal corporations.... 62
Judiciary — confidence in.... 481
Judicial compliments.... 261
Juridical Review — notice of.... 382
Jurors — peremptory challenge, new method.... 422
King murder case in Tennessee.... 161
Labor importation.... 2
Lawyers — measures to suppress in early Massachusetts days.... 422
Law lecturers who sit.... 423
Lee on Whipping Post.... 522
Legal Education — Mr. Eugene Wambaugh on.... 402
Liquor licenses.... 1
Lotteries and freedom of the press.... 501
Lunatic vocalist.... 322
Lynching at Port Jervis.... 21
Marriage — what household bound to provide.... 341
Matteson's Manual for Town Clerks.... 222
Maybrick case, Gail Hamilton on.... 221
Michigan Law Journal, notice of.... 262, 521
Michigan State Bar Association meeting.... 242
Milburn's argument on compelling witnesses to attend before Inter-State Commerce Commission.... 422
Moak, Nathaniel C., death of.... 261
Moak's library presented to Cornell University.... 422
Moore on Right of Asylum.... 522
Music and miscegenation.... 3
Negligence, contributory, handling electric wire.... 122
New York State Bar Association, approaching meeting 481
"Obscene and vulgar language".... 482
Our Animal Friends, notice of.... 282
Parkhurst, Rev. Dr., puts on his war paint.... 482
Illness of juror or his wife.... 77
Larceny by agent of property in his possession — evidence — examination of witness.... 57
possession obtained by fraud — larceny by a trick 191
intent.... 143
Perjury — corroboration of single witness — trial.... 323
Reading evidence to jury in absence of prisoner.... 215
reward — conviction.... 443
Suspending sentence.... 155
Illegal transportation — indictment.... 363

DILLON, JOHN F., address to American Bar Association.... 225, 246

FIERO, J. N., address to Albany Law School.... 244

FOSTER, ROGER, on treason trials in the United States.... 345

GEORGIA'S CONTRIBUTION to law reform.... 513

HAMMOND, W. J., on breach of corporate duty.... 144

LAMAR, J. R., on law reform in Georgia.... 513

LITERARY FRAUDS Case.... 399

NEW YORK STATE BAR ASSOCIATION, annual meeting.... 484

NOTES:
Action for exhibiting baby photograph.... 100
Authors' rights.... 220
Chancery Lane postmaster, retirement of.... 220
Cockburn, Chief Justice, his bad temper.... 20
Codification, need of.... 400
Sir Mountstuart Grant-Duff on.... 460
Lord Coleridge, imaginary speech by.... 520
Convict lease system.... 200
Crime in the United States.... 200
Curiosities.... 360
Dickens' writing table.... 340
Earl Howe's estate.... 380
Earl of Selborne's acknowledgment of medal.... 500
Elections — illiterate voters.... 280
Forms of indictments.... 140
Funeral expenses.... 120
Illegible handwriting.... 360
Injury by marriage procession.... 220
Jury trial in Texas.... 379
Lawyer, a warlike.... 200
who writes his own law books.... 420
fees.... 400
Literary frauds in England.... 360
Lord Chancellor Herschel.... 220, 280
Marriage engagements between May and December.. 400
Marriage with deceased wife's sister.... 380
Mesmerism — assault.... 200
Mysterious stranger in judicial procession.... 420
Prevention of cruelty to animals.... 220
Shiras, Mr. Justice, his whiskers.... 120
Society cases.... 500
Special damage in slander of property.... 460
Tiedeman on Dictum and Decisions.... 540
Townsend, Martin I., notice of.... 340
Wills — the Indian Jurist on.... 340
Women's claims in court.... 380

PAROL EVIDENCE, treatise on.... 525

POEMS:
Genesis of Legal Jokes.... 300
Legal Meditations.... 320
My Shingle Redivivus.... 359

SNYDER, W. L., on Uniform Legislation.... 185

TREASON TRIALS in the United States.... 345

UNIFORM LEGISLATION.... 185

INDEX-DIGEST

TO

ABSTRACTS, CASES IN FULL AND NOTES OF CASES.

Page.

ACTION. On contract—specific performance..... 92
ADMINISTRATOR. Accounting—attorney's fees. 84
ADMIRALTY. Action in rem for death—local law—parties—pleading damages..... 66
AGENCY. Fraudulent representations of agent—mercantile agency..... 240
Liability of agent to third person..... 35
AGISTMENT. *See* MORTGAGE.
ANIMALS. *See* MARRIAGE.
APPEAL. Decision—effect on second trial..... 92
From board of claims—when allowed—evidence... 537
Foreclosure..... 537
Instructions..... 18
On judgment roll—presumption as to evidence..... 452
Jurisdiction..... 472
Nonsuit—waiver..... 13
Objections not raised below..... 472
——; res adjudicata..... 56
——; waived..... 64
Questions of law and fact..... 13
Reargument..... 92
Referee's findings..... 13
Settlement of case—findings of court..... 13
Weight of evidence—deposit—loan—evidence.... 376
ARBITRATION AND AWARD. Effect of insufficient award—powers of arbitrators—waiver of oath..... 56
ARREST:
Civil—complaint—waiver of objection..... 13
Receiving money in lieu of bail—involuntary payment..... 4
ASSAULT AND BATTERY. Action for damages..... 417
ASSESSMENT. Vacating—effect of notice—consent of counsel..... 92
Validity—benefits—publication of notice..... 56
See TAXATION.
ASSIGNMENT FOR CREDITORS. Bank—validity..... 197
ASSOCIATIONS. Trusts—transfer of certificates—equitable relief..... 412
See CORPORATIONS; SOCIETIES.
ATTORNEY AND CLIENT. Champerty—what constitutes..... 232
Money had and received—action against attorney—evidence..... 16
See CHAMPERTY.

BANKS. Application of deposits..... 523
Assignment—check for amount of deposit—delivery of deposit slip—evidence made competent by adverse party..... 495
Attachment—liability to purchaser of draft..... 437
Certificates of deposit—liability of sureties..... 277
Check—money for unlawful use..... 391
Special deposits—gratuitous bailments..... 383
Savings—insolvency—power of court—resumption of business—scaling deposits..... 213
See ASSIGNMENT FOR CREDITORS.
BONDS. Enforcement in foreign State—counter-claim 223
Unsealed but duly stamped and purporting to be sealed..... 314
BOUNDARY. Evidence..... 14
Land abutting on pond—construction of deed..... 385
BRIDGES. Power of town to raise money—petition.. 115
BROKERS. Purchase of stock—transfer on company's books—repudiation by broker..... 74

CARRIERS. Of freight—discrimination—common law liability..... 75
Limiting liability—brittle goods..... 184
Live stock—special contracts..... 394
Of passengers—reasonable regulations—refusing ticket..... 135
Injuries to passengers—contributory negligence—riding in express car..... 39

CARRIERS—Continued. Page.
Railroad—hauling circus cars..... 135
Negligence—defective premises—evidence of ownership..... 135
See RAILROADS; SHIP AND SHIPPING.
CHAMPERTY. Evidence..... 278
See ATTORNEY AND CLIENT.
CIVIL DAMAGE ACT. "Premises"..... 116
CONFLICT OF LAWS. Taxation—exemption—surplus of foreign savings bank—deduction of liabilities..... 452
Place of performance and execution of contract.. 177
CONFUSION OF GOODS. Preferences—right to pursue in hands of third party..... 450
CONSTITUTIONAL LAW. Anti-truck law..... 87
Apportionment act..... 251
Apportionment of senatorial districts—mandamus—jurisdiction..... 193
Apportionment of legislative districts..... 425
Bigamy in foreign State—right to punish..... 45
Civil rights—theaters—color line..... 174
Corporations—weekly payment law..... 504
Cruel punishment..... 95
Delegation of legislative powers..... 376
Method of electing presidential electors..... 69
Elevator charges..... 62
Infamous crime—assault and battery—jurisdiction 278
Oleomargarine—inter-State commerce—original packages..... 257
Municipal powers—buying and selling fuel..... 9
Oleomargarine—inter-State commerce—repeal of statute..... 30
Police power—drifted logs..... 215
Private property—city fire limits—rescinding ordinances..... 92
Railroad companies—stock killing—absolute liability..... 433
"Scrip" Act—laborers' wages—payment in other than lawful money—"Screening" Act—weighing and measuring coal..... 519
Special legislation—payment of wages—order on store—limiting right of contract..... 489
Statutes—amendments—setting out amended portions 453
Taxes and assessments..... 337
Trial by jury—jury of less than twelve..... 529
CONTRACT. Acceptance by letter—withdrawal... 28
Assignment of—damages..... 452
Building—delay in work..... 35
——; interpretation—declaration of architect..... 72
——; variance..... 13
——; substantial performance..... 56
To build bridge—payment of estimates—liability of material for contractors' debts..... 456
Condition—precedent..... 413
Consideration—divorced parties..... 11
Validity—promise for promise..... 464
To pay debt of another—consideration..... 93
Injunction..... 93
Breach of conditions—quantum meruit..... 373
Insurance agent—wrongful termination of agency.. 396
Interpretation..... 57
Purchase of lottery tickets—division of prize money—new promise..... 92
Impossibility of performance..... 109
Time of performance—waiver..... 453
Non-performance—excuse..... 83, 519
Affecting action of public bodies—public policy..... 7
Tender of policy on rescission of purchase..... 439
Restraint of trade..... 146, 535
Construction—statute of limitation against State—enlargement..... 472
Wagering—insurance against disease..... 316
CONVERSION. Joint verdict..... 35
COPYRIGHT. "Dramatic composition"—stage dance..... 165
In newspaper—custom of journalism—quotation.. 350
Reprint—false representations..... 76

Page.

CORONER. Compensation — accounting for fees received ... 36

CORPORATIONS. Action to enjoin from acting as such ... 14
Consolidation ... 72
—; right to stock—new company ... 57
Contracts with trustees — rights of subsequent stockholders — discontinuing business ... 413
Increase of stock — income ... 151
Insolvency — unpaid stock — set-off — trusts — pledge ... 168
Judicial supervision — suit by people without relator — reorganization under laws of foreign State ... 496
Mortgages ... 116
—; execution—conditions—fraud—parties to agreement — usury ... 116
Validity — publication of notice ... 178
Non-user of franchises — dissolution — pleading ... 36
Promoters' rights — trust relations — breach ... 496
Stock — issuance and validity — purchase with notice ... 57
Purchase of stock by another corporation — ultra vires ... 503
Right to inspect stock book ... 73

COSTS. Disbursements — taking deposition — commissioner's fees ... 517
Extra allowance — case submitted on stipulation ... 14
New trial in ejectment — extra allowance ... 455

COURT OF APPEALS. Preference on calendar — attachment as a ground ... 517

COVENANTS. Breach of promise for benefit of another — who may sue ... 496

CRIMINAL LAW. Abortion — commission by advice ... 14
Altering public record — intent ... 363
Amendment of information ... 95
Resisting arrest — ignorance of officer's authority ... 216
Character of accused — instructions ... 36
Evidence — accomplices — confessions ... 475
Arson — map of locality — confessions and admissions ... 14
Extortion — threats — injuries to business — unlawful injury — encouraging strike ... 36
Felonies — forgery — indictment — duplicity — evidence — corporate existence ... 124
Forfeited recognizance — quashing indictment ... 183
Forgery — indictment — duplicity — demurrer — waiver ... 473
Frequenting house of ill-fame — evidence — bona fide residence ... 77
Game laws — sale of live birds ... 437
Homicide — appeal — cross-examination of accused ... 473
—; insanity — irresistible impulse ... 423
—; declarations of co-conspirator — proceeds of robbery — identification ... 278
—; evidence — declaration as to suicide ... 457
"Perhaps" ... 61
Police — deprived of clubs ... 382
Presidential candidates ... 1
Preternatural, belief in the, effect of, on dispositions of property ... 302
Prize-fighters and poets ... 241
Punishments — some interesting ... 285
Shakespeare — Bankside — King John ... 122
Shiras' nomination to Supreme Court ... 82
Socialism, W. S. McClure on ... 21
Stealing electricity ... 61
Store order legislation ... 381
Sunday observance ... 82
fishing in private pond ... 201
Surplusage in Federal Constitution ... 142
Trial — ejaculations of by-standers ... 342
Uniform scheme of weights and measures ... 262
Uniformity of legislation — second conference of commissions ... 442
Vacation ... 121
Volenti non fit injuria — Thomas Beven on ... 142
Waste — "meliorating" ... 102
Whipping post proposed in New Jersey ... 482
Wills — capacity to make ... 381
providing that twin boy and girl should be dressed alike ... 141
short ones ... 222
Woman candidate for attorney general ... 482

DAMAGES. Consequential — injury to business ... 448
Breach of contract — mental suffering ... 483
Conversion — value of goods — private sales ... 473
"Smart money" ... 95

DEED:
Boundary — shore of navigable water ... 14
Cancellation for fraud — negligence ... 36
Covenant of quiet enjoyment—breach — measure of damages ... 57
Unambiguous description — intent — parol evidence ... 474
Stream as boundary ... 279
As mortgage — rights of creditors ... 15
Quit-claim — implied covenant of title ... 511
Repugnant condition ... 424
Right of way — construction ... 118
Unrecorded — bona fide purchaser — consideration ... 438
See BOUNDARY.

Page.

DEFINITIONS. Butcher's shop ... 180
"Manufacturing" — electricity ... 298

DESCENT AND DISTRIBUTION. Action to recover decedent's debt from heirs — evidence ... 93

DISTRICT ATTORNEY. Necessary expenses — extradition ... 58

DURESS. ... 73
Threat of criminal prosecution ... 523

EASEMENTS. Creation — running with land ... 36
Duration — estate of inheritance- construction ... 347
License — distinction ... 377
Non-user — intention to abandon — evidence — obstruction of alley — estoppel ... 413
Rights of grantee in water ... 454
Severance of tenements — diversion of water ... 473
See MORTGAGE; WATER AND WATER-COURSES.

ECCLESIASTICAL LAW. Ritual — evidence — historical documents ... 365

EJECTMENT. Who may maintain — highways ... 58
Mesne profits — measure of ... 477
Title — burial lots ... 459

ELECTIONS. Apportionment ... 324
Australian ballot law — candidates improperly placed on printed ballots — establishment of two polling booths at one precinct ... 204
Ballots — quo warranto ... 423
—; nominations of candidates — marked ballots ... 91
Police regulations — constitutional law ... 129
See CONSTITUTIONAL LAW.

EMINENT DOMAIN. Compensation — measure of damages — appeal ... 58
—; transfer of title ... 36
Condemnation of easement for village street — damages ... 474
Evidence — value — offer ... 15
Petition to condemn land — evidence ... 15
New York city—laying out parks—condemnation of cemetery ... 43
Railroad — damages — suitable lease of land for addition to city ... 478
Condemnation for trespass—construction of statute—pleadings — verification ... 73
Wharves—private use—property already appropriated ... 475

ESTATE. Declaration of trust—appeal from referee ... 413

ESTOPPEL. By deed—acknowledgments ... 446
See EVIDENCE.

EVIDENCE. Action in representative capacity — — fraudulent conveyances — judgments in rem ... 517
Book entries—admissibility against third persons ... 273
Carriers—accident to passenger ... 378
Expert—objection—practice ... 15
Comparison of handwriting—writing in presence of jury ... 318
Custom of port—shipping—place of delivery ... 397
Hearsay ... 26
Materiality—proof of value ... 283
Opinion—form of objections ... 93
Other accidents ... 208
Parol — action on contract ... 117
—; to affect writing ... 37
Presumption — ancient grant — adverse possession ... 203
Estoppel by deed ... 472
Res adjudicata ... 18
Question not raised — parties ... 74
Communication by telephone ... 123

EXECUTION. Exemption — work horses — stallions ... 318

FIXTURES. Reservation by parol ... 3
Rights of purchaser from mortgagor — knowledge of mortgagee ... 475
Valves ... 223

FRAUD. Conveyance — evidence — nonsuit ... 58
Right of grantor to recover — estoppel—costs ... 36
Conveyance — rights of creditors ... 413
False prospectus ... 303

GIFT. Delivery — change of possession ... 96
—; change of possession ... 197
Election of actions ... 387

GOOD WILL. Use of trade name ... 118

HABEAS CORPUS. *See* JURISDICTION.

HIGHWAY. Boulder at side of highway — liability of town for an accident ... 216
Dedication only for certain months ... 517
—; user ... 118
Street — dedication — acceptance — abandonment — injunction to restrain obstruction ... 406

INFANTS. Action against — jurisdiction — fraudulent conveyances — lien of creditors' judgment — bona fide purchasers — notice ... 537

INJUNCTION. Breach of contract — theatrical performances ... 116
Damages ... 537
"Shooting" gas well with nitro-glycerine — private nuisance ... 18
Threatening purchasers of goods with suits for infringement of patent ... 224

INSURANCE. Accident — death occasioned by disease ... 77

INSURANCE – Continued. Page.
Accident—knowledge of agent imputed to principal.. 390
—; "loss of a foot"..... 164
—; voluntary exposure to danger—evidence..... 73
—; additional insurance—notice to company—notice to agent..... 354
Barn and "contents therein"—horses..... 403
Conditions—waiver—ignorance of assured..... 58
—; preponderance of proof..... 404
Description of beneficiaries—"children"..... 94
Forfeiture—waiver—foreign companies—retaliatory laws—ultra vires—venue..... 73
Statement of interest—loss payable to mortgagee—waiver of notice..... 73
Marine—waiver of conditions..... 475
Merchandise..... 263
Mutual benefit—infants..... 537
Rights of mortgagee—accord and satisfaction between owner and insurer..... 497
—; suicide—"sane or insane"..... 217
Title of property—notice to agent's solicitor—proofs of loss—waiver—insurable interest..... 453
Waiver..... 58
—; wife as beneficiary—rights of creditors..... 63

INTOXICATING LIQUORS Sales without license..... 19

JUDGMENT. Collateral attack—validity of city ordinance—res adjudicata—estoppel..... 16
Entry—appellate jurisdiction—amount in controversy 15
Against one of joint debtors—merger..... 94
Lien—suit in aid of execution—bona fide purchaser. 15
Suspending—sureties..... 94
Res adjudicata..... 18

JURISDICTION. Habeas corpus—United States marshals..... 256
Of State courts—Brooklyn navy yard—trespass..... 453

JURY. Personal knowledge of character of witnesses. 397

LANDLORD AND TENANT. Building of addition by lessor..... 104
Dangerous premises..... 119
Liability to third persons..... 114
Defective steps—injury to tenant's visitors—liability of landlord..... 143
Defective way—negligence..... 244
Insolvency of tenant—damages..... 149
Nuisance—liability of lessor's grantee..... 307
Preservation of property—damages..... 537
Termination of lease by fire—occupation by tenant after fire—removal of debris—expense—liability 470
Trespass—injury to trespasser's property—liabilities 464

LIBEL AND SLANDER. Charge of blackmailing scheme..... 318
Exemplary damages—newspaper article..... 305
Evidence—reputation..... 361
Instructions—justification..... 99
Malice—instructions—review on appeal..... 414
Privilege—public document—publication of extracts—trade protection journal..... 237
Publication..... 78
Publisher issuing mutilated edition—injunction..... 404

MALICIOUS PROSECUTION. Malice—probable cause—advice of counsel..... 397
Termination of criminal proceeding—province of jury..... 16

MANDAMUS. Jurisdiction—judge at chambers..... 454
When issued—officer..... 279

MARRIAGE. Annulment—death of husband..... 136
Agreement to facilitate divorce—validity..... 524
Ante-nuptial contract—distribution of personalty.. 344
Common law marriage—evidence..... 167
Breach of promise—competency of party—married man—estoppel..... 72
Dower—election by guardian of insane widow..... 111
Power of attorney to release—appeal..... 94
Partnership between husband and wife..... 105
Specific performance—parol contract..... 96
Validity..... 287
—; parent and child—right to earnings..... 159
Persons of color—enabling acts—constitutionality.. 343
Wife's power to contract for husband..... 164
Vicious dog—liability of wife—action against—joinder of husband..... 497

MASTER AND SERVANTS. Assault on seaman by captain—liability of vessel owners..... 415
Contract—eight-hour law..... 418
Defective appliances..... 74
—; evidence of negligence..... 497
Fellow servants—common employment..... 286
Liability of employer for funeral expenses of employee who dies on the premises..... 322
Injury to employee—contributory negligence..... 74
Injury to minor servant—contributory negligence... 459
Rules to protect servant—nature of employment.... 94
Servant's possession of property—termination of employment..... 418
Master's penal liability for servant's tort..... 127
Torts of servant—witness—impeachment..... 16
Injuries to volunteer—authority to employ assistance..... 136

MECHANICS' LIENS. Rights of architect..... 137
Electric light companies..... 137
Furnisher of materials to sub-contractor—where not entitled to lien..... 518
—; building on land of third person..... 283
—; priorities—rights of sub-contractors..... 74

MORTGAGE. Assumption by grantee..... 51
Chattel—lien—agistment..... 303
Consideration—competency of witness—transactions with decedent..... 17
Foreclosure—sale..... 74
By surviving partner with consent of executors—priority of liens..... 417
Priority—unrecorded mortgage—notice to agent of subsequent mortgagee..... 58
Reservation of easement..... 16
Usury as defense..... 96

MUNICIPAL CORPORATIONS. Actions for tort—notice of intent to sue..... 518
Defective streets—ice..... 460
—; liability—interest on damages—question for jury..... 518
—; evidence..... 356
—; bill board..... 97
—; negligence of member of fire department..... 132
Ordinance—regulation of street cars..... 39
Ownership of street—abandoned canal bed—occupation by street railway..... 497
Liability for closing streets..... 218
Power to act as trustees..... 163
Surrender of tax certificate by—acceptance of mortgage—ultra vires..... 475
See CARRIER; MUNICIPAL CORPORATIONS; NUISANCE; RAILROADS; SHIP AND SHIPPING.

NATURAL GAS WELL. Diversion of gas from adjoining land—injunction of act made a crime 97

NEGLIGENCE. Blasting—question for jury..... 299
Burden of proof..... 443
Maintenance of bridge over track—liability of railroad 176
Care of customer's property—evidence..... 150
Of contractor—liability of owner—damages..... 138
Contributory—infants..... 138
Dangerous premises—rights of licensee..... 78
—; evidence—presumption..... 378
Dangerous premises—indemnity by occupant—judgment of Federal court..... 438
—; fire patrol—injuries to licensee..... 483
—; liability to trespassers..... 218
Falling of elevator—evidence—offer of compromise—damages..... 258
Evidence of—due care of deceased..... 138
Prairie fire—destruction of property by back fire.. 384
Unauthorized fire-works—injury to voluntary spectator..... 113
Proximate and remote cause..... 371
Sale of defective machinery..... 53
Trespasser in railroad yard—infant..... 504

NEGOTIABLE INSTRUMENT. Fraud—accommodation indorsement—bona fide holder..... 243
Certified check—liabilities of drawer..... 86
Accommodation indorsers—rights as against bona fide holders..... 538
Note—accommodation maker—rights of indorsee.. 538

NEW YORK CITY. Street opening—discontinuance—street of first class..... 59
Discharge of clerks—civil service laws..... 17

NUISANCE. Stagnant pond—city ordinance..... 378

PARENT AND CHILD. Homes for dependent children—rights of parents—religious education..... 39
See MARRIAGE.

PARTIES. Defect of—spoliation of private burying ground—who may protest—pleading..... 476

PARTNERSHIP. Limited—liability of special partners..... 24
Sharing profits..... 156
See MORTGAGE; STATUTE OF FRAUDS.

PARTY WALL. Covenants running with the land—evidence of agreement—equitable relief..... 476
Liability of co-owner in tearing down building..... 98

PATENT. Royalties—evidence—issues—abandonment—rescission of contract..... 519

PLACE OF TRIAL. Change of..... 75
amendment of complaint..... 117

PLEADING. Action on contract—variance question for jury—dismissal..... 56
Action on void contract—recovery in assumpsit—waiver of right..... 74
Amendment—harmless error—trial—instructions... 37
Counter-claim—independent transactions..... 17
Accounting..... 59
Estoppel..... 18
Joinder of causes—transactions connected with same subject of action..... 454
Inconsistent causes—plaintiff's election..... 439
Set-off—claim not due—insolvency..... 477

PLEDGE. Of bond—sale by pledgee..... 37

POST-OFFICE. Non-mailable matter—dunning postal card..... 398

POWERS. In trust—substitution of trustees..... 17

Page.

PROPERTY. In aerolite—appropriation by finder.. 370
In ice—how acquired... 295

RAILROADS. Bridges over streets—additional servitude—damages—constitutional law—expert evidence... 467
Contract for use of other company's road.. 17
Elevated—injuries to property—rental and usable value.. 408
Highway crossing—neglect to operate gates—indictment.. 376
Highways—dedication—injunction... 379
Negligence—railroad—frightening hors at station—failure to signal... 479
——; by smoke from locomotive... 460
Lease of franchise—equity... 356
——; ultra vires—conflict of law—laches... 84
Street—electricity as motive power—interference with telephone—injunction—costs... 485
——; negligence—projecting of rail above crosswalk.. 59
Taxes—application to township aid bonds—county treasurer's duty... 477
See CARRIERS.

RECEIVERS. Accounting—action on bond... 497

RELEASE. General provisions—effect—preliminary negotiation—fraud and mistake—effect—instructions—return of consideration... 538

RES ADJUDICATA. Action prematurely brought. 59
Breach of continuing contract—pleading... 37

REVIVOR. Death of assignee party—substitution of executrix... 519

RECEIVERS. Liability—exceptions to verdict—review—instructions... 37

REFORMATORIES. Commitment of minor—recital of age... 59

SALE. What constitutes... 59
Breach of contract—rescission—nonsuit—error cured... 37
Evidence... 18
Place of—C. O. D... 144
Refusal to accept—trade name of commodity—deficiency in quantity—retention of samples—custom... 60
Remedies of purchaser—defective quality... 37
Warranty... 117

SCHOOLS. Books—teacher of free school—mandamus... 480

SHIP AND SHIPPING. Charter-party—demurrage—cargo to be discharged "with all dispatch as customary"—strike of dock laborers... 219
Demurrage—liability of consignee... 60
Steamer—fishing vessel—lien for wages... 309
Injuries to—assumption of risk—obedience of orders... 497
See MASTER AND SERVANT.

SOCIETIES. Benefit—payment of assessments to assistant—proofs of death... 472
——; insurable interest—charge of beneficiary... 538
See ASSOCIATIONS; CORPORATIONS.

SPECIFIC PERFORMANCE. Contract—consideration... 138

STATE. Claims against—dam—overflow—findings—appeal... 417

STATUTE. "Car on a railway"... 139
"Discount"... 25
Family expenses—liability of wife... 80
Intoxicating liquors—Sunday sales... 311
Practical interpretation—"car-load"... 139
Margarine—"exposure for sale"... 99
"Wooden structure or erection of a movable or temporary character"—builders' pay office on wheels. 160

STATUTE OF FRAUDS. Agreements not to be performed within a year... 37

STATUTE OF FRAUDS—Continued. Page.
Agreement to sell growing grain... 463
Note or memorandum in writing—will... 445
Sale and delivery... 140
Real estate—partnership... 257

STATUTE OF LIMITATIONS. Acknowledgment of debt—rights of mortgagee against purchaser... 235
Action concerning land... 60
Street assessments... 74

SUNDAY. "Sporting"—playing base-ball... 531

SURETY. Bonds—change in obligation—release of surety... 173

SURROGATE. Authority of surrogate to grant commissions... 473

TAXATION. Abstract books... 419
City of Brooklyn—piers and land below low-water mark... 439
Corporations—result of readjustment... 18
Foreign corporations... 38
Joint-stock association... 50
Non-residents—land contracts... 60
Remedies—certiorari—delivery of assessment-roll—correction—appearance by attorney... 477
See ASSESSMENTS.

TAXES. Collection of, by action—conditions precedent—bank stock... 519

TELEGRAPHS. Contract—construction—specific performance... 99
Delay in delivery—damages—pain and suffering... 409

TELEPHONE. Liability to furnish facilities... 103
See EVIDENCE.

TENANCY. In common—partition—jury trial... 38

TORTS. What constitute—blasting under contract with the United States—harbors—authority to remove obstructions... 64

TRADE-MARKS. Fraudulent imitation—evidence. 280
Injunction—fraudulent use by plaintiff... 439
"John Bull Brand"... 103

TRIAL. Mode of examining witnesses—discretion of court... 398
Directing verdict—reformation of contract—mistake—degree of proof... 44

WATER AND WATER-COURSES. Obstruction of stream—measure of damages... 454
Grant of easement—rights of grantee... 454
Injunction—evidence—leading questions... 117
Right of State to excavate channel—adverse user—appeal from board of claims... 417
Tide lands—wharves, docks, etc... 119
See EASEMENT.

WILLS. Allowance to widow... 75
Capacity and influence... 197
Charge of realty... 75
Charitable bequest... 19
Contest—trial by jury—evidence of scrivener... 123
Nature and duration of estate... 454
When legacy vests—supplementary proceedings... 203
Condition on restraint of marriage... 335
Oral agreement to make—consideration... 171
Probate—jurisdiction of surrogate—collateral attack... 455
Construction—intention—ambiguity—extrinsic evidence... 538
Residuary legacy—choses in action... 296
Trusts—when legacy of income becomes payable... 485
Merger of... 39
Spendthrift... 23
Unlawful restrictions—right to disregard—trusts... 94
Vested remainder... 455

WITNESS. Competency of wife—bigamy... 431
Privileged communications—exclusion of testimony—review on appeal... 60